

Application Serial No.: 10/076,900

UPAP0003-100

Response to Election Requirement dated June 3, 2003

Preliminary Amendment and Reply to Election Requirement dated September 3, 2003

**Remarks/Arguments:**

**Status of Claims**

Claims 15-38 are in the application.

By way of this amendment, claims 27-38 have been canceled without prejudice, claim 15 has been amended and new claims 39-80 have been added.

Upon entry of this amendment, claims 15-26 and 39-80 will be pending.

**Summary of the Amendment**

Claim 15 has been amended to refer more generally to the nature of the immune response generated by the claimed method so that the subject matter formerly defined in claim 15 is now a dependent claim (new claim 39) and the subject matter formerly defined in independent claim 27, which has been canceled, is now a dependent claim (new claim 45). Support for the amendment is found throughout the specification. No new matter has been added.

The new claims that have been added define specific embodiments of the present invention. Each of the new claims depends directly or indirectly on claim 15.

New dependent claims 40-44, which depend directly or indirectly on new dependent claim 39 (therapeutic immune responses), include the limitations that the antigen is a pathogen antigen (new claim 40), that the pathogen antigen is a viral antigen (new claim 41), that the viral antigen is an HIV antigen (new claim 42), that the antigen comprises an epitope of HIV protein gp160 (new claim 43), and that the nucleic acid molecule is administered in a composition that comprises bupivacaine (new claim 44).

New dependent claims 46-50, which depend directly or indirectly on new dependent claim 45 (prophylactic immune responses), include the limitations that the antigen is a pathogen antigen (new claim 46), that the pathogen antigen is a viral antigen (new claim 47), that the viral antigen is an HIV antigen (new claim 48), that the antigen comprises an epitope of HIV protein gp160 (new claim 49), and that the nucleic acid molecule is administered in a composition that comprises bupivacaine (new claim 50).

New dependent claims 51-54, which depend directly or indirectly on dependent claim 16 (claim 15 wherein the antigen is a pathogen antigen), include the limitations that the pathogen antigen is a viral antigen (new claim 51), that the viral antigen is an HIV antigen (new claim 52), that

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the antigen comprises an epitope of HIV protein gp160 (new claim 53), and that the nucleic acid molecule is administered in a composition that comprises bupivacaine (new claim 54).

New dependent claims 55-58, which depend directly or indirectly on dependent claim 18 (claim 15 wherein the nucleic acid molecule is administered vaginally and the antigen is a pathogen antigen), include the limitations that the pathogen antigen is a viral antigen (new claim 55), that the viral antigen is an HIV antigen (new claim 56), that the antigen comprises an epitope of HIV protein gp160 (new claim 57), and that the nucleic acid molecule is administered in a composition that comprises bupivacaine (new claim 58).

New dependent claims 59-63, which depend directly or indirectly on dependent claim 19 (claim 15 wherein the nucleic acid molecule is administered vaginally using a suppository), include the limitations that the antigen is a pathogen antigen (new claim 59), the pathogen antigen is a viral antigen (claim 60), that the viral antigen is an HIV antigen (new claim 61), that the antigen comprises an epitope of HIV protein gp160 (new claim 62), and that the nucleic acid molecule is administered in a composition that comprises bupivacaine (new claim 63).

New dependent claims 64-66, which depend directly or indirectly on dependent claim 21 (claim 15 wherein the nucleic acid molecule is administered rectally and the antigen is a pathogen antigen), include the limitations that the pathogen antigen is a viral antigen (new claim 64), that the viral antigen is an HIV antigen (new claim 65), that the antigen comprises an epitope of HIV protein gp160 (new claim 66), and that the nucleic acid molecule is administered in a composition that comprises bupivacaine (new claim 67).

New dependent claims 68-72, which depend directly or indirectly on dependent claim 22 (claim 15 wherein the nucleic acid molecule is administered rectally using a suppository), include the limitations that the antigen is a pathogen antigen (new claim 68), the pathogen antigen is a viral antigen (claim 69), that the viral antigen is an HIV antigen (new claim 70), that the antigen comprises an epitope of HIV protein gp160 (new claim 71), and that the nucleic acid molecule is administered in a composition that comprises bupivacaine (new claim 72).

New dependent claims 73-76, which depend directly or indirectly on dependent claim 24 (claim 15 wherein the nucleic acid molecule is administered sublingually and the antigen is a pathogen antigen), include the limitations that the pathogen antigen is a viral antigen (new claim 73),

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that the viral antigen is an HIV antigen (new claim 74), that the antigen comprises an epitope of HIV protein gp160 (new claim 75), and that the nucleic acid molecule is administered in a composition that comprises bupivacaine (new claim 76).

New dependent claims 77-80, which depend directly or indirectly on dependent claim 26 (claim 15 wherein the nucleic acid molecule is administered into buccal tissue and the antigen is a pathogen antigen), include the limitations that the pathogen antigen is a viral antigen (new claim 77), that the viral antigen is an HIV antigen (new claim 78), that the antigen comprises an epitope of HIV protein gp160 (new claim 79), and that the nucleic acid molecule is administered in a composition that comprises bupivacaine (new claim 80).

Support for each of the new claims is found throughout the specification. No new matter has been added.

### Election of Species

Applicants have been required to elect a single disclosed species drawn to a specific antigen for prosecution on the merits. Further, Applicants have been required to identify all claims that read on the elected species.

Applicants elect an HIV antigen that comprises an epitope of HIV gp160. Each of claims 15-26 and new claims 39-80 read on the elected species.

### Conclusion

This reply is responsive to the election of species requirement. Applicants respectfully urge that claims 15-26 and 39-80 are in condition for allowance. A notice of allowance is earnestly solicited.

Dated:  
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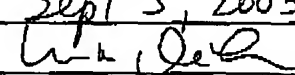
The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No.50-1275 of any fees associated with this communication.

Respectfully submitted,

  
Mark DeLuca

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (703-872-9308) on the date shown below.

Sept 3, 2003  


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